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16 BP Products North America, Inc., and
BP Corporation North American, Inc.
and ConocoPhillips Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

22 Maria Barrous, an individual and as Trustee
of the Barrous Living Trust, Demetrios
23 Barrous, an individual, dba Jimmy's
Restaurant

24 Plaintiffs,

v.
25 BP p.l.c., BP Exploration and Oil, Inc., BP
Products North America, Inc., BP
26 Corporation North America, Inc.,
ConocoPhillips Company and DOES 1-20
27 Defendants.

Case No. C 10-02944 LHK

**JOINT CASE MANAGEMENT
STATEMENT; REQUEST TO CONTINUE
HEARING TO MAY 11, 2011; [PROPOSED]
ORDER as modified by the Court**

**Date: February 23, 2011
Time: 2:00 pm
Courtroom: 4, 5th Floor**

1 Pursuant to Federal Rule of Civil Procedure 26(f) and Civil Local Rule 16-9, plaintiffs
2 Maria Barrous and Demetrios Barrous (collectively "Plaintiffs") defendants BP p.l.c., BP
3 Exploration and Oil, Inc., BP Products North America, Inc. and BP Corporation North America,
4 Inc. (collectively "BP") and defendant ConocoPhillips Company ("ConocoPhillips") submit the
5 following Joint Case Management Statement to the Court in preparation for the February 23, 2011
6 status conference. (BP and ConocoPhillips are referred to collectively herein as "Defendants.")
7

8 **1. Status of Pleadings**

9 Since the initial Case Management Conference, Plaintiffs filed a First Amended Complaint
10 ("FAC"). Defendants filed an Answer to the FAC on November 24, 2010.
11

12 **2. Discovery**

13 Defendants have propounded document requests and interrogatories. Plaintiffs have
14 responded to this discovery, producing roughly 9,000 pages of documents. Plaintiffs and
15 defendants are meeting and conferring over certain document requests.
16

17 Defendants have propounded third-party document request discovery. Defendants recently
18 served an additional round of third-party discovery.
19

20 Plaintiffs have propounded document requests and interrogatories to Defendants. Plaintiffs
21 expect Defendants to produce documents in the near future.
22

23 After reviewing the documents produced, the parties expect to take limited deposition
24 discovery in preparation for the mediation.
25

26 **3. Mediation / ADR**

27 As explained in the parties January 2011 stipulation, Defendants and Plaintiffs counsel
28 have been in contact with mediator Michael Sobel. The parties agreed to move the mediation
completion date from the February 4, 2011 date set in the Court's October 12, Case Management
Order to April 30, 2011 in order to allow the discovery described above to be completed. The
Court granted this request on January 31, 2011.

4. Request to Continue Case Management Conference to May 11, 2011

At the present time, the parties do not anticipate the need to move any other dates set out in the Court's initial Case Management Order. The Court initially scheduled the February 23 case management conference in coordination with the February 4 mediation deadline. In light of the new mediation deadline (April 30), the parties suggest that this hearing be continued to May 11, 2011 or another day in May selected by the Court.

Law Offices of Steven A. Ellenberg

Glynn & Finley, LLP

By: MV
Mark V. Boennighausen

AUTHORIZED TO FILE BY E-MAIL

By _____
Adam Friedenberg

Counsel for Plaintiffs

Counsel for Defendants

Dated: February 14, 2011

Dated: February 14, 2011

ORDER

In light of the new mediation date, the Court continues the February 23, 2011 Case
May 18, 2011
Management Conference to ~~May 11, 2011~~ at 2:00 PM.

Dated: February 17, 2011

Lucy H. Koh
U.S. District Court Judge